

Cornwall Council
Planning Department
New County Hall
Truro

22 January 2021

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Dear Sir/Madam

Objection Letter – Planning References: PA20/10880 and PA20/10882
Proposal – Provision of new dwellings on plots 1 and 2
Site - Land East Of Springfield Road From Tanner Rock To Sunset Strip Rejerrah TR8
5QA

LRJ Planning Ltd has been instructed by Mr and Mrs Miller who are the owner occupiers of the adjacent property known as Melrose Farm, Rejerrah, Newquay, Cornwall, TR8 5QA to review and draft a formal response to the above planning applications that has been lodged with Cornwall Council.

Following a review of the submitted plans and the supporting documents with my client we have serious concerns with the application proposed and therefore **OBJECT** to the application for reasons that will be detailed below.

The speculative development site forms the boundary with my client's property that is positioned to the south.

Aerial View of Site



The following is a summary of my client's objections.

- i) **The principle of development of outside the defined settlement boundary**

- is unacceptable;**
- ii) The substantial development would have an adverse impact on the character and appearance of the area;**
 - iii) The increase in traffic to and from the site, along with the substandard access arrangements would have an impact on highway and pedestrian safety;**
 - iv) The substantial size of the development would lead to severe harm on the residential amenity of neighbouring properties through an unacceptable increase in overlooking, loss of daylight, outlook, overshadowing and overbearing impact;**
 - v) The effect on surface water and foul drainage; and**
 - vi) The proposal would lead to an impact on trees and biodiversity interests at the site;**

1. BACKGROUND

Outline planning permission (reference: PA18/09751) for the demolition of an existing stable block and the erection of a single dwelling was approved on 20th February 2019, by Planning Committee, contrary to the officer recommendation. The application was recommended for refusal by officers on the following grounds:

The application site is located within the countryside, clearly divorced from any settlement. The proposal would result in harm to the intrinsic character and beauty of the surrounding countryside and with a new home with poor accessibility to necessary daily services and facilities which would perpetuate over reliance on the private vehicle and unsustainable traffic movements. Given the lack of any special justification, the application is not sustainable development and is contrary to Policies 1, 2, 7, 21 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 8, 9, 79 and 170 of the National Planning Policy Framework 2018.

It should be noted that this outline planning permission allowed one dwelling at the site. The current planning applications for a total of two dwellings should be determined together as they raise serious and fundamental issues in relation to their cumulative impact.

The current planning applications are also materially very different, as in the previous case much was made of the demolition of the stable. This stable is now under different ownership.

2. PLANNING POLICY CONTEXT

In June 2019, the Government published the latest version of National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and sets out how they are expected to be applied. The NPPF took immediate effect.

Paragraph 2 of the NPPF states that *“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”*

Paragraphs 7 and 8 confirm that the purpose of the planning system is to contribute to the achievement of sustainable development, which comprises economic, social and environmental dimensions.

The NPPF retains a presumption in favour of sustainable development. Paragraph 11 reaffirms that *“applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”*

The Courts have held that Central Government's policy is a material consideration that must be taken into account by the decision maker, as are relevant appeal decisions. The development plan pertinent to this site and the development proposal comprises the Cornwall Local Plan Strategic Policies 2010-2030.

The following provides a summary of the key policies that are relevant to this objection letter.

Cornwall Local Plan Strategic Policies 2010-2030

- 1 - Presumption in favour of sustainable development
- 2 - Spatial Strategy
- 2a - Key targets
- 3 - Role and function of places
- 7 - Housing in the countryside
- 9 - Rural Exception Schemes
- 12 - Design
- 13 - Development standards
- 16 - Health and wellbeing
- 21 - Best use of land and existing buildings
- 22 - European protected sites
- 23 - Natural environment
- 25 - Green infrastructure
- 26 - Flood risk management and coastal change
- 27 - Transport and accessibility

3. GROUNDS OF OBJECTION

i) Principle of Development

The spatial strategy for the area is set out in Policy 2 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP). In relation to housing, it seeks to manage the location and scale of new development. This approach is expanded in Policy 3, which confirms that housing development will be accommodated in accordance with a hierarchy, with part 1, delivered through a Site

Allocations Development Plan Document or Neighbourhood Plan for the identified main towns; part 2 through specific eco-communities; and part 3, in areas outside the main towns, through Neighbourhood Plans, rounding-off of settlements, previously developed land, infill or rural exception sites.

Within the above context, the site is not allocated for development, it is not within an identified main town and does not form part of one of the ecocommunity proposals. In relation to part 3 of Policy 3, there is no made Neighbourhood Plan and the proposal is not being promoted as a rural exception site (in line with Policy 9). It also does not fall within the definition of previously developed land, as set out in Annex 2 of the Framework, namely “Land which is or was occupied by a permanent structure, including the curtilage of the developed land.” The site therefore forms part of the open countryside.

The proposed development is not readily accessible to any local services and would rely on the use of the private car.

The access to this development is off a single track access, which does not benefit from any lighting, pavements or passing bays, which is likely to discourage future users from walking or using public transport. Future users of the proposal would be extremely reliant on the use of the private car. This would be compounded as the isolated rural location means there is a very limited range of local service and amenities (there are no local shops, public houses or a bus service). Again, this would increase the number of trips by private car to access such services.

This matter will be compounded as the latest proposal is for two dwellings that will encourage greater use of the car over and above the previously approved scheme. It therefore does not comprise sustainable development.

My client also owns and operates the adjacent Olde Sunday School as a holiday let and is particularly concerned that the provision of two dwellings on site will prejudice the viability of the

holiday let. The attraction of the holiday let is the overall tranquility and natural beauty of the area. The proposal will result in the erosion of these qualities.

Overall, the proposed development of the site for the provision of two dwellings is not suitably located and that there are no exceptional circumstances to justify development in the countryside. In addition, that the proposed development would not constitute infill or rounding-off. As a consequence, the appeal proposal would be contrary to Policies 1, 2, 3 and 7 of the CLP and the corresponding policies of the NPPF.

i) Adverse Impact on Character and Appearance of Area

The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). Paragraph 127 highlights that planning policies and decision should ensure that developments will function well and add to the overall character of the area, not just for the short term; are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding environment and landscape setting to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Notably, paragraph 40 of the National Design Guide stipulates that “well designed new development responds positively to the features of site itself and the surrounding context beyond the site boundary. It enhances qualities and improves negative one.” Paragraph 49 goes on to say that the “identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. In addition, paragraph 51 describes that local identity is made up of typical characteristics such as the pattern of housing, and special feature that are distinct from their surroundings. Paragraph 52

articulates that this includes considering the composition of street scenes, individual buildings and their elements and the height, scale, massing and relationships between buildings.

The above is echoed in the Council's development plan design policies that new development should be of a high quality and be compatible with the surrounding pattern of development.

The site comprises an attractive greenfield site. The proposed development would result in the erosion of this greenfield site. The site ensures a degree of spaciousness within the existing street scape. There would be a minimal separation distance off all boundaries of the site. The provision of two dwellings, together with associated garden, parking area and access would dominate and subsume the area. The proposal clearly fails to respect the surrounding pattern of development with characteristic gaps. Given these factors the development would result in a cramped form of development.

The proposed development is of a very poor quality and fails to respect the character and nature of the surrounding form and pattern of development. The dwellings will be completely at odds with the surrounding development. Due to the poor design, scale, mass and positioning of the dwellings, they will be extremely prominent from my client's property to the detriment of their visual amenity. The dwelling will appear as incongruous, and would have a detrimental impact on the character and appearance of the area, including the adjacent Olde Sunday School and Chapel that are locally important historic buildings were built in 1879. The provision of two dwellings will impact on its overall setting.

View of adjacent Olde Sunday School



The dwellings will be sited a minimum distance off my client's property, which results in the proliferation of development adjacent to my client's property.

Due to the poor design and position of the dwellings facing my client's property, it would appear as a dense form of development that has no appreciation for the surrounding form of development. It would appear as an alien and contrived development. Along with the size, scale, height, associated access, hardstanding and parking areas, the development would be extremely prominent and significantly visually harden this part of the street scene. Given the extent of the development, it would appear as cramped and overdevelopment.

Overall, the proposed development will be hopelessly out of place in its surroundings and

unacceptably harmful to the street scene and the character and appearance of the area. It would appear as an incongruous development, poorly related to the surrounding development, as well as a cramped form of development. Accordingly, the proposed development is clearly contrary to local and national planning policy.

ii) Effect on Highway Safety

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The proposed site plan is again ambiguous as it does not illustrate how cars can access, park and turn safely within the site. No tracking plans or details of the access arrangements have been provided in respect of the requisite visibility splays that can be achieved on to the highway. It has not been demonstrated that suitable access to the development can be provided.

Paragraph: 004 Reference ID: 42-004-20140306 of the Practice Planning Guidance identifies that Transport Assessments and Statements are ways of assessing the potential transport impacts of developments (and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans). Transport Assessments are thorough assessments of the transport implications of development, and Transport Statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (ie in the case of developments with anticipated limited transport impacts).

Given the nature of the proposed development and the level of traffic that will be generated by one unit, it is critical that for a sound decision to be made that a Transport Statement is provided in support of the application.

This part of the highway network is constrained as it is a narrow, single width carriageway with very little opportunity to pass. The proposal would mean that vehicles would have to use reversing manoeuvres on the highway increasing the conflict with pedestrians due to the lack of a footway. Agreeing to this as laid out in the Planning Application would be disregarding legality as specified within The Road Safety Act. This would prejudice the safety and free flow of traffic on this part of the highway network to the detriment of highway and pedestrian safety.

Overall, the proposed development would have a severe residual impact on highway and pedestrian safety. Accordingly, the proposal is clearly contrary to the NPPF and local planning policy.

iii) Severe harm on Residential Amenity

In relation to the impact on the amenity of neighbouring properties, Paragraph 127 of the NPPF is particularly important and it states:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount*

and mix of development (including green and other public space) and support local facilities and transport networks; and

*f) create places that are safe, inclusive and accessible and which promote health and well-being, **with a high standard of amenity for existing and future users (our emphasis)**; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Paragraph 127 (f) of the NPPF clearly describes that decisions should ensure that developments have a high standard of amenity for future or existing users. NPPF paragraph 180 decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. These principles are reflected in the Council's planning policies.

The proposal would result in an expanse of development across the site. The provision of two detached dwellings with associated access road and turning head/parking areas adjacent to Melrose Farm, as well as neighbouring properties will lead to an intensification of development at the rear of the property, which is currently an attractive greenfield site.

The proposed plans highlight that the proposal would also result in the introduction of windows at ground floor and at first floor level that would directly overlook the private amenity space, as well as habitable room windows of the rear of my client's property, as well as that of neighbouring properties. The level of fenestration facing my client's property as well as neighbours would demonstrably harm their enjoyment of their dwellinghouse and private areas, as they would be constantly overlooked.

As a result of the proximity of the development and its intended overall, size, scale, mass and poor design it will appear as an imposing and obtrusive structure from my client's property that will clearly have an unacceptable overbearing impact. The harm will also be compounded as due to the trajectory of the sun the development will cast permanent shadows on their property as well as lead

to a loss of daylight on Melrose Farm and the Olde Sunday School.

Given the substantial size of the development in respect of my client's property, as well as neighbouring properties, it is imperative that a Daylight and Sunlight Assessment is provided in support of the application to demonstrate that there will be no impact on my client's property. Daylight is the light received from the sun which is diffused through the sky's clouds. Even on a cloudy day when the sun is not visible a room will continue to be lit with light from the sky. This is also known as 'diffuse light'. Any reduction in the total amount of daylight can be calculated by finding the 'Vertical Sky Component'.

The Vertical Sky Component (VSC) is the ratio of the direct skylight illuminance falling on a vertical face at a reference point (usually the centre of a window), to the simultaneous horizontal illuminance under an unobstructed sky.

The guidance states that the VSC will be adversely affected if after a development it is both less than 27% of the overall available diffuse light and less than 0.8 times its former value.

Therefore, if the VSC is more than 27% then enough light would still be reaching the window of the neighbouring building. However, if the VSC is less than 27% as well as less than 0.8 times its former value the occupants will notice the reduction in the amount of skylight.

The Council does not have any cogent evidence to demonstrate that there will be no unacceptable loss of light or outlook from the windows at the rear of my client's property, or that at neighbouring properties.

Overall, the introduction of built form close to the boundary with my client's property and that of neighbouring properties would have a significant adverse effect on the level of amenity enjoyed through extensive overlooking, overshadowing, overbearing impact, as well as lead to a loss of outlook and daylight. The proposal would infringe on my client's right to a private family life and home under Article 8 of the Human Rights Act 1998. The

proposal is contrary to the NPPF and local planning policy.

iv) Foul/Surface Water Drainage and Water Supply

Limited technical details on the foul and surface water strategy that will be adopted for the site has been provided in support of the application. My client's septic tank is located within 10 metres of the borehole proposed. Further to this, the largest soakaway area for the application is within 15 metres of the neighbouring properties borehole. This raises serious concerns as whether the appropriate foul and surface water infrastructure can be provided without impacting on their water supply. The absence of any robust technical detail is alarming for my client's and it is imperative that this detail is provided as part of this application to allow greater scrutiny.

v) Trees and Biodiversity

As part of the Natural Environment and Rural Communities Act 2006, all Local Planning Authorities have a duty to have regard to conserving biodiversity as part of its decision making.

There are existing trees and hedgerows that form the boundary with this speculative development that is a haven and natural habitat for birds and other species. Due to the extensive nature of the engineering operations proposed, it is likely the integrity of adjacent trees and hedgerows will be impacted by the proposal to the detriment of public amenity.

4 SUMMARY

There are still compelling reasons why the application should be refused as the proposal comprises inappropriate development of this greenfield site. The scheme is materially very different to the scheme that was approved contrary to officer recommendation insofar as it is for two substantial dwellings with associated infrastructure and does not include the demolition

of the stable block that is now in separate ownership.

It is clear that the development proposed comprises inappropriate development within a countryside location. The overarching strategy of the development plan is to direct such uses to sustainable locations, that benefit from the services and infrastructure. The proposal is very reliant on the use of the private car.

The two new dwellings with associated access, turning head, parking areas is completely at odds with the pattern and existing grain of development, which will set a dangerous precedent inflicting significant harm the on character and appearance of the area. The proposal would fail to integrate effectively with the spatial pattern and character of surrounding built form. The creation of the access and the engineering operations proposed are likely to have an adverse impact on trees and biodiversity.

This speculative application, through the creation of a development with a minimal separation distance being provided with client's property will lead to significant harm on the level of amenity that they enjoy. However, the intensification of the site to provide a substantial development would result in unacceptable harm to the peace and tranquil surroundings my client's has been accustomed. The proposal would have an unacceptable effect on the living conditions of my clients by way of loss of privacy, overbearing impact, loss of day light and outlook, as well as overshadowing.

Additionally, the proposed development would have a severe impact on highway and pedestrian safety. There is a failure within the scheme regarding the foul/surface water strategy and proposed water supply that is likely to impact on third parties boreholes.

The proposal is contrary to both local and national planning policies and does not comprise sustainable development. Allowing this development could set a dangerous precedent. It is respectfully requested that the planning application is refused.

Your faithfully

Lloyd Jones

Director